IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.20143 of 2008
UMESH RAI
Versus

STATE OF BIHAR
- - - -

3. 2.7.2008 Heard.

Two full brothers are the accused named in the F.I.R. The present petitioner Umesh Rai is alleged to have fired shot and killed the deceased. His full brother Ramesh Rai was sent up separately from the present petitioner and as such there are two separate Sessions cases arising out of the same police station case. The report indicates that the trial has not concluded on account of non-joinder of the parties.

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The contention is that the petitioner is in custody since 2005 without any progress in the trial. The learned Judge has mentioned one fact with which he is contronted in proceeding with the trial and that is absence of accused Ramesh Rai, the full brother of the petitioner on the date when the witness was in attendance. This tactics could be very well adopted to linger the trial and take advantage of pendency of the long period of incarceration, considering which this Court

refuses the prayer for bail.

The learned Judge could take his own time to conclude the trial.

Kanth

( Dharnidhar Jha, J.)

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